

WILSON, ELSE, MOSKOWITZ,  
 EDELMAN & DICKER LLP  
 Attorneys for the City Defendants  
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 Attn: Peter A. Meisels (PM-5018)  
 Lalit K. Loomba (LL-9755)

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X	
YIMI SOTO,	:
	:
Plaintiff,	:
	:
-against-	:
	:
THE CITY OF NEW ROCHELLE; POLICE OFFICER	:
WEINERMAN, SHEILD #9792; POLICE OFFICER ARIAS,	:
SHEILD #8951; POLICE OFFICER RIVERA, ALL	:
INDIVIDUALLY AND AS POLICE OFFICERS, AND	:
PATRICK J. CARROLL, AS POLICE COMMISSIONER OF	:
NEW ROCHELLE, AND INDIVIDUALLY, AND THE	:
COUNTY OF WESTCHESTER,	:
	:
Defendants.	:
-----X	

07 Civ. 3726 (KMK)

**AFFIDAVIT OF  
 LALIT K. LOOMBA**

STATE OF NEW YORK                    )  
   ).ss:  
 COUNTY OF WESTCHESTER        )

LALIT K. LOOMBA, being duly sworn deposes and says.

1. I am an associate with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for defendants City of New Rochelle, Marc Weinerman (s/h/a Police Officer Weinerman, Sheild #9792), Isabel Arias (s/h/a Police Officer Arias, Sheild #8951), Rafael Rivera (s/h/a Police Officer Rivera), and Patrick J. Carroll (collectively, the "Defendants"). I submit this affidavit in support of Defendants motion for summary judgment.

2. Annexed hereto as **Exhibit A** are relevant pages from the deposition of Yimy Soto, taken February 19, 2008.

3. Annexed hereto as **Exhibit B** is a copy the summons and complaint filed by plaintiff Yimy Soto (“Soto”).

4. Annexed hereto as **Exhibit C** is a copy of the Order of this Court (Karas, *J.*) dated October 15, 2008.

5. Annexed hereto as **Exhibit D** is a “Notice of Dismissal” entered October 24, 2008.

6. Annexed hereto as **Exhibit E** are relevant pages from the examination of Soto pursuant to Section 5-h of the New York General Municipal Law taken February 13, 2007.

7. Annexed hereto as **Exhibit F** are relevant pages from the deposition of Marc Weinerman, taken February 27, 2008.

8. Annexed hereto as **Exhibit G** are relevant pages from the deposition of Isabel Arias, taken February 27, 2008.

9. Annexed hereto as **Exhibit H** are medical records pertaining to Soto from the Sound Shore Medical Center dated May 7, 2006.

10. Annexed hereto as **Exhibit I** is a copy of the booking sheet for Soto’s arrest on May 7, 2006.

11. Annexed hereto as **Exhibit J** are relevant pages from the deposition of Gerard Danko, taken June 6, 2008.

12. Annexed hereto as **Exhibit K** is a copy of the desk appearance ticket issued to Soto on May 7, 2006.

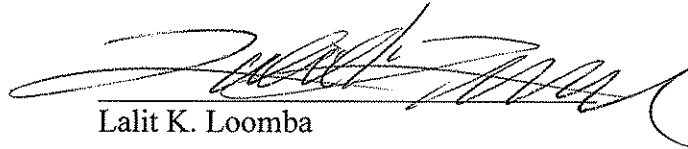
13. Annexed hereto as **Exhibit L** is a copy of the misdemeanor information reflecting criminal charges lodged against Soto for the incident on May 7, 2006.

14. Annexed hereto as **Exhibit M** is a copy of the notice of claim filed by Soto on or about July 27, 2006.

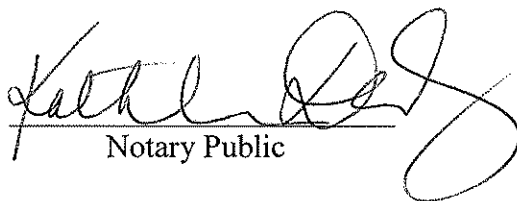
15. Annexed hereto as **Exhibit N** are copies of subpoenas issued by the Westchester County District Attorney's Office to Officer Isabel Arias.

16. Annexed hereto as **Exhibit O** is a copy of Defendants' amended answer.

17. Annexed hereto as **Exhibit P** is a letter dated December 15, 2008 addressed to counsel for Soto enclosing a proposed stipulation. As of the date below, the undersigned has not received a signed copy of the stipulation or any other response to the letter.

  
Lalit K. Loomba

Sworn to before me this  
21<sup>st</sup> day of December 2008

  
Notary Public

**KATHLEEN A. DALY**  
**NOTARY PUBLIC, State of New York**  
**No. 02DA6191854**  
**Qualified in New York County**  
**Commission Expires Aug. 25, 2012**